



# The Senate of The State of Texas

TED LYON

STATE SENATOR, DISTRICT 2

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July 3, 1991

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Opinion Committee

Dan Morales, Attorney General  
Supreme Court Building  
Opinion Division  
P.O. Box 12548  
Austin, Texas 78711-2548

Dear Attorney General Morales:

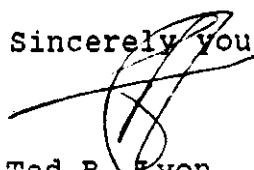
It has come to my attention that the Dallas City Council is attempting to move funds that were confiscated pursuant to the Asset Forfeiture Law of the State of Texas which was passed in 1989.

Chapter 59 of the Code of Criminal Procedure, specifically Art. 59.06, deals with disposition of forfeited property. As I read the law, if an agreement exists between the local district attorney and the local law enforcement agency in regard to the disposition of this property, the assets may be used for any law enforcement purpose, to be determined by the law enforcement agency and not the local governing body.

I have been asked by the Vice President of the Dallas Police Association to secure an Attorney General's Opinion from your office as to whether or not the City Council can force the use of confiscated funds into the Department's regular operating budget.

I believe this action on part of the City Council, if undertaken, would be illegal and I have stated so in a letter to the Vice President of the Dallas Police Association. I would respectfully request on behalf of myself and the Dallas Police Association that your Opinion Division give us a written opinion concerning this attempted transfer.

Sincerely yours,

  
Ted B. Lyon  
State Senator

TBL/tlc

DISTRICT OFFICES

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